

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on WEDNESDAY 22 MARCH 2023 at 7pm and held remotely via Microsoft Teams.

Present

Councillor Wise (Chair) Councillor Anifowose (Vice-Chair) Councillors, Brown, Howard, Huynh, Jackson, Kestner and. Warner

Apologies for absence were received from Councillors, Hayes and Shrivastava

Also Present

Matt Lewin – Counsel – Legal advisor
Kennedy Obazee – Safer Communities Service, Licensing Officer
Alfene Rhodes - Safer Communities Service, Licensing Officer

Safka Organic Health Centre The Parade 12A Upper Brockley Road, SE4 1SX

Applicant – Mr Brown

Respondent - P.C Butler – Metropolitan Police

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 10 January 2023 be confirmed and signed.

2. Declarations of Interests

None.

3. Safika Organic Health Centre The Parade 12A Upper Brockley Road , SE4 1SX

- 3.1 The Chair welcomed all parties to the Licensing Committee. She introduced those present and outlined the procedure to be followed for the meeting. She then invited the Safer Communities Officer to introduce the application.

Introduction

- 3.2 Mr Obazee said that members were being asked to consider an objection to a Temporary Event Notice (TEN) between 5-7 May 2023, on the street outside The Parade 12A Upper Brockley Road SE4 1SX. The objection was received from the Metropolitan Police on the grounds that by granting this application, there would be increased crime and disorder and public safety would be at risk.

- 3.3 Mr Obazee then outlined the options available to members under the licensing objectives, when making their decision.

Applicant

- 3.4 Mr Brown said that he had submitted the TEN because he was told that we live in a democracy, everyone was treated equally and he would have to follow protocol if he wanted a TEN. He said that he was struggling to make a profit during these difficult financial times. There would not be a street party, or any major event, he wanted to put tables up outside his shop to promote the goods he wanted to sell during the 3 public holidays. He said it was frustrating and unjust that anyone could deny him the opportunity to celebrate this public holiday.
- 3.5 Mr Brown was the proprietor of a health shop and he did not intend to sell alcohol. However, he could not be responsible for people who wanted to drink alcohol in the area. The local area consisted of people from all different backgrounds and everyone deserved an equal opportunity to promote themselves. He did not understand where allegations of street parties had come from; he only expected 10 – 20 people to attend. If the area did not have a good name, this stigma had existed before he became the proprietor of his shop. The 3 shops in the parade wanted to promote their culture and he believed that the Police had a problem with this. He believed that there would be many other events held in the neighbourhood and they would not ask the Police for a licence.
- 3.6 The Chair asked Mr Brown how he would manage a situation where people gathered outside his shop; they had been drinking and it turned into a party. There were too many people in the area and it could cause a disturbance. Mr Brown said that he could not envisage any situation where there would be disruption, he expected everyone to enjoy themselves. If the situation did get out of hand it would be a matter for the Police.
- 3.7 Councillor Jackson asked Mr Brown to confirm where the tables would be. Mr Brown said that his shop was located in the corner of the parade and an area in front of a garage on the pavement would be used for the tables as well as the pavement in front of his shop. He expected to use 3 tables.
- 3.8 Councillor Howard asked Mr Brown whether he had any experience managing events. He said that he had held seminars inside the shop, on homeopathic treatments. Specialists in homeopathic treatments attended from all around the world. Drumming sessions inside the building had also been held without any problems. He said that there would be security but he did not expect a big turnout. He wanted to hold events that the community could be proud of but he did not feel that he had been given his opportunity.
- 3.9 Councillor Howard asked whether the venue was problematic. She was concerned about traffic and a lot of people in a small space. Mr Brown did not expect a big turnout, because there were so many other events in the area. He wanted to use the opportunity to promote his goods and healthy living. He did not know of any place where West Indian people could go to discuss their culture and play their music, exchange ideas about their heritage, their journey and feel comfortable.

- 3.10 In response to a question from Councillor Kestner, Mr Brown said that he would be pleased if there were 50 people at the event at any one time. The capacity of his shop was between 30-50 people.
- 3.11 Councillor Warner referred to an incident in the Police objection, which stated that a licensing officer had issued an abatement notice, following a complaint of noise nuisance at the premises. Mr Brown said that he was not aware of any licensing officer coming to him having received a noise complaint. In addition, the resident above his shop played a wind instrument and practised every day. He had never known anyone to complain about the noise. Mr Brown did not play music loudly, he wanted to bring people into his shop not make a disturbance.
- 3.12 Councillor Warner asked Mr Brown to comment on the Police objection that stated there were various noise complaints from neighbours and the owner's general behaviour towards the community. Mr Brown said that in some cultures, people speak loudly and he was not going to apologise for that. It was the way they communicate and was part of their culture. It was not excessive and was not intended to upset anyone and was not louder than other ambient noises.
- 3.13 Councillor Brown asked Mr Obazee whether he had any information regarding these premises, including visits to the shop. Mr Obazee did not have any information.

Objector

- 3.14 P.C Butler spoke against the TEN on behalf of the Metropolitan Police. He said that he understood that business was difficult in the current climate, and Mr Brown needed to increase his current income. However, he had to consider the application as submitted and there was not sufficient information on that application for him to support the event. His main concern was around risk management for the bank holiday weekend. The number of people expected had not been given and therefore there was nothing to stop the legal maximum of 499 people from attending.
- 3.15 P.C Butler was also concerned that the applicant had not given any indication about how the event would be managed. There was no mention of stewards, marshals, or permission from the landowner. There had not been a response from highways about whether the road would be closed. The premises is in a small one-way road. If crowds were to swell outside the premises, residents would be hampered getting to their properties, and emergency vehicles would be restricted
- 3.16 P.C Butler said that he had supported all businesses last year that had put their business plan forward and demonstrated that risk had been managed. This application had not done that. There was no indication as to whether local residents would be part of this event. P.C Butler expected this to be a very busy period and there would be a lot of parties. Most of the Police resources would be in London so there would be a lack of resources in the borough. This could be a problem if a large number of people attended this event because there would be no way to control them.

- 3.17 With regard to the Abatement Notice, P.C Butler was with Mr Olaniran when the notice was issued to Mr Brown. Neighbours had made complaints about noise emanating from the premises and an Abatement Notice was served. He understood that Mr Olaniran went back to Mr Brown to speak to him a second time. Mr Olaniran had left Lewisham Council, but P.C. Butler wanted this evidence placed on record. A licensing officer confirmed to him that this evidence was on file.
- 3.18 P.C Butler had concerns because this was a small road and a small community. He believed that the capacity of the shop would be a maximum of between 30-40 people. There was not enough information within the application for him to approve the application.
- 3.19 Councillor Jackson referred to the cad reports in the Police objection. He asked whether any of them referred to Safika Organic Health Centre. P.C Butler said that they referred to other shops in the parade.
- 3.20 Councillor Jackson asked whether two tables outside Mr Brown's premises would be an issue for Police and whether he expected 499 people to attend the premises. P.C Butler said that two tables would not be an issue and if the application had been completed correctly with this information, including the numbers expected, the police objection would not have been submitted to this Committee.
- 3.21 In response to a question from Councillor Huynh, P.C Butler said that he would not have objected to the TEN had he known that there would only be a maximum of 50 attending over the bank holiday. He said that it was a simple process to add the number of people expected in the box on the form. He had to make a decision based on this legal document.
- 3.22 Members were concerned that the objections raised by P.C Butler did not relate directly to the premises and were not, therefore, relevant to this application. P.C Butler said that his objections related to the other premises in Upper Brockley Road.

Conclusion

- 3.23 Mr Brown said that he did not understand the point that P.C Butler was making. There were two pubs at the end of Upper Brockley Road. He asked whether they would have to make a similar application for the bank holiday because there would be more than the 50 people at these establishments.
- 3.24 Mr Brown did not have any recollection of speaking to P.C Butler about noise or behaviour in that area. He said that there was crime in the area but this was not his responsibility. The Police just assumed that his shop and those in in that area were responsible for these alleged incidents but they could have taken place in an area nearby. There were approximately 200/300 people in nearby establishments at the end of the road and yet the assumption was that the local shops in the Parade were responsible for incidents of crime and disorder.

- 3.25 Mr Brown said that he had made his application with the help of a member from the local community. He believed that he had demonstrated his intention and followed the rules. He did not know that he had to elaborate on this because he had applied for such a small event. He wanted to have two tables outside his shop and play some music. This would have been breaking the law if he had not gone through the correct channels.
- 3.26 P.C Butler said that he wanted to support the event and had supported many events in the borough, but he had to be careful to manage risk. He did not wish to hamper Mr Brown's business opportunities; he would support a small event but he had taken the application as written. There were several questions to which he did not have an answer. He did not know how big the event would be and needed to ensure that it would not get out of control, particularly on the weekend of the King's coronation, when Police resources would be low.
- 3.27 In conclusion, P.C Butler clarified that the crimes outlined in the report were from incidents in Upper Brockley Road.
- 3.28 Members confirmed that they had been present throughout the meeting and had not lost connection.
- 3.29 The Chair said that a decision letter would be sent out within 5 working days. She thanked all parties for their attendance, and they left the meeting.

Exclusion of the Press and Public

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

3. Safika Organic Health Centre The Parade 12A Upper Brockley Road SE4 1SX

The following is a summary of the item considered in the closed part of the meeting.

3. Safika Organic Health Centre The Parade 12A Upper Brockley Road SE4 1SX

No counter notice would be issued.

. The meeting ended at 8.08pm

Chair